

Board of Respiratory Care Examiners Board Meeting Minutes

Regularly Scheduled Meeting of December 15, 2011

Thursday, December 15, 2011, 9:00 a.m.
Basement Conference Room B-1
1400 W. Washington, Phoenix, AZ 85007

Board Members Present:

Chair Jeanette Kieffer
Vice Chair John O'Donnell
Becky Brimhall
Charles Ramirez
David Sanderson
Tracy Cagan
Jose Gonzales

Board Members Absent:

None

Staff Present:

David Geriminsky
Valarie Wallace

Legal Counsel:

Nancy Beck

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Authored by: Valarie Wallace
Recommended by: David Geriminsky

Board of Respiratory Care Examiners Board Meeting Minutes

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CALL TO ORDER

The Meeting was called to order at 9:05 a.m., by Board Chair Jeanette Kieffer.

CONSENT AGENDA

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All items listed with “C” are considered to be routine or have been previously reviewed by the Board of Respiratory Care Examiners, and will be enacted by one motion. There will be no separate discussion of these items unless a Board member so requests; in which event the item will be removed from the Consent Agenda, and placed in the Regular Agenda under Item R-2.

MOTION ON THE CONSENT:

There being no items requested to be removed, a motion was made by **Vice-Chair John O’Donnell** to approve all items on the Consent Agenda. **Becky Brimhall** seconded. **The Motion Passed**

C-1 APPROVAL OF MINUTES

Recommended for Approval

November 17, 2011

December 6, 2011

December 9, 2011

C-2 ACTION ON APPLICATIONS FOR LICENSURE

i. Permanent License Issuance

Recommended for approval by the Executive Director

Toni Alger	Shane Alkire	Hollie Baggs	Angela Baker
Ralph Bell	Sherri Burns	Christopher Butts	Daniel Cancio
Heather Cooper	Country Cox	Lindsay DeRosa	Steven Duenes
Amber Duke	Christol Ehlers	Michelle Erickson	Ernest Grover
Shannon Horn	Theodore Jachimowicz	Kenneth Komperled	Jessica Lloyd
Jeovana Malpica	Michael Mendoza	Holly Mires	Cynthia Molle
John Moorhead	Amy Myers	Janjira Pallanes	Kyle Ochsner
Amanda O’Dell	Matthew Player	Ana Perez	Aislinn Reyes
Christopher Ross	Carrie Saldin	Alberto Sanchez	Cole Sexson
Kirk Shim	Kristen Sisk	Stefan Snyder	Vikki Stansberry
Daniel Varela	Toya Wolo	Melanie Young	Daisy Zavala

ii. Re-Application for Permanent Licensure

Recommended for approval by the Executive Director

Brandi Granzo

iv. Ratification of Temporary License Issued pursuant to A.R.S. § 32-3521

Recommended for Ratification by the Executive Director

Jennifer Aguirre	Ernie Angwin	Traci Broadnax	Anthony Cruz
Stephen Dibble	Kevyn Elkins	Richard Encinas	Ryan Foremny
Corey Francisco	Karen Hamilton	Ryan Ireland	Shacora Jackson
Maher Jordan	Shena Leftwich	Brittany Lehrman	Henry Lopez
Bertha Martinez	Tate Mendenhall	Mindy Merritt	Gabriel Mesaros
Ruben Molina	Elizabeth Patterson	Adam Purcell	Katie Rambo
Kynah Robinson	Lorraine Rollins	Alberto Sanchez	Christopher Schubert
Amy Scott	Todd Sherry	Alex Valderas	Karen Wasson
Sarah Williams			

iv. Ratification of Temporary License Extension Issued pursuant to A.R.S. § 32-3521

Recommended for Ratification by the Executive Director

None

C - 3 ACTION ON ADMINISTRATIVE CLOSING OF APPLICATION FILES

Recommended for closing of application files

None

C - 4 ACTION ON ADMINISTRATIVE CLOSURE OF TWO-YEAR INACTIVE FILES

Recommended for closing of inactive files

Carlos Becerra	Amy Broderick	Michael DelaField	Carmen Fields
Julie Fox	Walter Goodhart	Shontae Hill	Terry Lencyk
Elizabeth Lohman	Sarah Maruire	Melissa Martinez	Derek Miller
Betsy Moore	Jagraj Nahal	William Napier	Kathryn Reynolds
Jerald Ruybalid	Carmita Smith		

C - 5 ACTION ON NOTICES OF LICENSE EXPIRATIONS

Recommend sending notice of License Expirations to the following individuals:

Jamie Blute	Nina Burton	Teresa Clark	Thomas Cochran
Heather Dow	Amanda Fezatte	Victor Gilbert	Janet Gloshey
Ronald Hicks	Daniel MacDonald	Keophaythoune Mack	Jacob McShea
Sharon Patenaude	Robert Peterson	Debra Ribble-Knapik	Ricky Sanford
Ricky Sanford	Christopher Schwartz	Clara Stant	Jessica Tallyn
Albert Trabert	Gregory Upton	Terri Vuletich	Clayton Winterberg

C- 6 ACTION ON RATIFICATION OF RENEWAL OF LAPSED LICENSES

Recommended to ratify licenses issued by the Executive Director to individuals who met requirements for renewal

Adrienne Herrera Belinda McGillicuddy Robbi Slusher

C-7 ACTION ON RATIFICATION OF CONSENT AGREEMENTS AND LETTERS OF WARNING ISSUED

Items listed here will be proposed documents for the Board's consideration. The Board may choose not to ratify these documents, remove them from the Consent Agenda, and place them in the Regular Agenda under Item R-2.

Stipulation and Consent Orders, and Letters of Warnings Issued, once ratified by the Board shall constitute public records which may be disseminated as formal actions of the Board.

A. Decision on Accepting Proposed Consent Agreements

None

B. Decision on Accepting Proposed Letters of Warning Issued

None

C -8 ESTABLISH DATE AND TIME OF NEXT BOARD MEETING

Scheduled date of next Board Meeting

Thursday, January 19, 2012, at 9:00 a.m.

REGULAR AGENDA

R-1 DISCUSSION/ACTION ON EXECUTIVE DIRECTOR'S REPORT

i. Board Office Highlights

Mr. John Confer has accepted the Board's offer for Executive Director and will be starting on December 27, 2011.

ii. Board Staff Highlights

R-2 DISCUSSION/ACTION ON ITEMS REMOVED FROM THE CONSENT AGENDA

None

R-3 DISCUSSION/ACTION ON APPLICATIONS FOR LICENSURE/RENEWAL

A. Re-Application for Licensure/Interview

1. Raymundo Bolivar Case Number A002861-12-010221

Mr. Bolivar was invited and present for the Board meeting. The Executive Director provided an overview of Mr. Bolivar's application including the previous license that Mr. Bolivar held. After interviewing Mr. Bolivar and discussion among the Board members, **Charles Ramirez** moved to grant a license and offer Mr. Bolivar a Consent Agreement that includes random drug screens; \$50 payments to the CA Board of Respiratory Care towards the balance Mr. Bolivar currently has and provide quarterly reports of payments made; Abstain from alcohol and illegal drugs; Provide proof prescriptions within 72 hours of being filled; Attend compliance interviews when requested; bear all cost; renewal of license; written notification of changes in employer, address or telephone number; and the order shall remain in effect for at least 1 year. **Board Vice-Chair John O'Donnell** Seconded. **Jose Gonzales** voted Nay. **The motion passed.**

R-4 CONSIDERATION AND ACTION ON INVESTIGATIONS OF POSSIBLE UNPROFESSIONAL CONDUCT

1. Jennifer Glover

Case Number C002811-12-007543

Ms. Glover was invited and not present for the Board meeting. The Executive Director explained the allegation against Ms. Glover that stated she was terminated from Banner Boswell Medical Center for inappropriate and aggressive behavior towards a co-worker and volunteer. After discussion, **Board Chair Jeanette Kieffer** moved to invite Ms. Glover to an informal interview. **David Sanderson** seconded. **The motion passed unanimously.**

2. David Keo**Case Number C002866-12-009583**

Mr. Keo was invited and not present for the Board meeting. The Executive Director explained the allegation against Mr. Keo that stated he was terminated from Sunview Care Center for inappropriate sexual behavior. After discussion, **Becky Brimhall** moved to invite Mr. Keo to an informal interview. **Vice-Chair John O'Donnell** Seconded. **The motion passed unanimously.**

3. Mary Onak**Case Number C002869-12-009116**

Ms. Onak was invited and not present for the Board meeting. The Executive Director explained the allegations against Ms. Onak, that she was terminated from Banner Thunderbird Medical Center after an allegation by a patient of "rough contact" from Ms. Onak. After discussion, **Jose Gonzales** moved to invite Ms. Onak to an informal interview. **David Sanderson** seconded. **The motion passed unanimously.**

4. Terrell Potts**Case Number C002870-12-006662**

Mr. Potts was invited and present for the Board meeting. The Executive Director explained the allegation against Mr. Potts, that he was terminated from Kaplan College for unprofessionalism. Mr. Potts explained the situation in further detail. After discussion, **Becky Brimhall** moved to dismiss the complaint against Mr. Potts. **Vice-Chair John O'Donnell** seconded. The motion passes unanimously.

5. Robin Ramirez**Case Number 002867-12-008909**

Ms. Ramirez was invited and not present for the Board meeting. The Executive Director explained the allegation against Ms. Ramirez, that she was terminated from Banner Gateway Medical Center for patient related issues. After discussion, **Tracy Cagan** moved to invite Ms. Ramirez to an informal interview. **Becky Brimhall** seconded. The motion passed unanimously.

R-5 CONSIDERATION AND ACTION ON INFORMAL INTERVIEWS PURSUANT TO A.R.S. § 32-3553(G)

None

R-6 CONSIDERATION AND ACTION ON FORMAL HEARINGS PURSUANT TO A.R.S. § 32-3553(H)**1. Daniel Sutton****Case Number C002624-10-009435, at 10:00 a.m.**

Mr. Sutton was invited and not present for the Board meeting. Mr. Sutton was placed on a Consent Order that granted his license to practice respiratory care and establish rehabilitative probation. A compliance check was conducted on Mr. Sutton's probation file on February 3, 2011 and it appeared that

the Board office did not receive any information regarding his employment since October of 2010. Board staff requested, in writing, a status of his employment on February 3, 2011. Mr. Sutton responded in writing on March 7, 2011, stating that he was unemployed. Mr. Sutton also requested to meet with the Board for consideration of modifying his probation terms. Mr. Sutton was invited to the April 2011 Board meeting and was present. Mr. Sutton presented why he was requesting a modification with his probation terms. After discussion, Board members moved to modify Mr. Sutton's order to the following:

- a. Lift the restriction of practice to a home care setting only.
- b. Ordered that Mr. Sutton completed courses that will refresh his training since it had been more the ten years that Mr. Sutton did not practice respiratory care.

The amended Consent Order was sent out certified mail to Mr. Sutton's address of record in August of 2011 and returned by the United States Postal Service on September 1, 2011. The reason for the return of the order was it was unclaimed with attempts made on August 15, August 20 and August 30, 2011. Since the amended order was returned by the post office, the previous order was still in effect and Mr. Sutton was again considered out of compliance with his probation order. Mr. Sutton was invited to the September 15, 2011 Board meeting and was not present. After discussion, Board members moved to issue a Formal Complaint and Notice of Hearing to Mr. Sutton.

After discussion, Becky Brimhall moved to adopt Finding of Facts and Conclusion of Law establishing Licensee's violation of A.A.C. R4-45-214 (3). Vice-Chair John O'Donnell seconded. The motion passed unanimously after a roll call vote. After further discussion, Charles Ramirez moved to suspended Mr. Sutton's license to practice respiratory care until Mr. Sutton can sign the amended consent agreement. David Sanderson seconded. The motion passed unanimously after a roll call vote.

2. Melissa Bozzola

Case Number C002793-12-007974, at 10:30 a.m.

Ms. Bozzola was invited and present for the Board meeting. Ms. Bozzola was terminated from Cobra Valley Medical Center for a positive drug screen. Ms. Bozzola was invited to the August 18, 2011 Board meeting and was not present. After review and discussion of Ms. Bozzola's allegation, Board members moved to Summary Suspended Ms. Bozzola license and issue a Formal Complaint and Notice of Hearing.

Ms. Bozzola and Executive Director David Geriminsky were sworn in and testified. After discussion, David Sanderson moved to adopt Finding of Facts and Conclusion of Law establishing Licensee's violation of A.R.S. § 32-3552(A)(3) and A.R.S. § 32-3501(10)(c). Vice-Chair John O'Donnell seconded. The motion passed unanimously by roll call vote. After further discussion, David Sanderson moved to issue a Consent Order establishing probation that includes the following terms:

- a. Random drug screens
- b. Provide proof of prescriptions within 72 hours of being filled.
- c. Participate in a 12-Step program and attend meetings 2 times a week; also includes obtaining a sponsor.

- d. Abstain from alcohol and illegal drugs
- e. Bear all cost of this order
- f. Attend any probation compliance interviews that licensee is invited to.
- g. Provide any changes in employment, address or telephone, in writing.
- h. Renewal of license
- i. Obey all state and federal laws
- j. Inform the Board office of any absences from work or home for more the 3 days.

Vice Chair John O'Donnell seconded the motion. The motion passed unanimously through a roll call vote.

R-7 CONSIDERATION AND ACTION ON PREVIOUS BOARD ACTION **Informal Interview Regarding Probation Compliance**

1. Jamie Powers Case Number C002624-10-007295

Ms. Powers' was invited and not present for the Board meeting. The Probation Compliance Officer provided an overview of Ms. Powers' apparent non-compliance of her current order of probation. Ms. Powers' is required to bear all cost of her order including the cost of any random drug screen that is requested. The Board office has received on many occasions an invoice from Concentra Healthcare for two drug screens. Ms. Powers' has paid for one of the screens but not the second one. After discussion, Board member Becky Brimall moved to issue Ms. Powers' a letter stating that she will have until January 14, 2012, to pay the invoice in full and remind Ms. Powers' that she is required to attend any probation compliance interviews that is requested. Jose Gonzales seconded. The motion passed unanimously.

R-8 CONSIDERATION AND ACTION ON PREVIOUS BOARD ACTION **Request for a Re-Hearing and Review**

1. Karl Pustai Case Number C002836-12-005227

Mr. Pustai was invited and not present for the Board meeting. Mr. Pustai requested the re-hearing and review. After discussion, it was noted not to entertain the Letter of Concern for re-hearing.

R-9 CALL TO THE PUBLIC

Those wishing to address the Board do not need to request permission in advance. Each person wishing to address the Board will be given five (5) minutes to do so. The Board can only take action on matters listed on the agenda. Persons who wish to raise issues or concerns not on the noticed agenda should be aware that the only procedural action that can be taken is directing staff to study the matter or to schedule the matter for further discussion at a later date.

No public comment.

R-12 ADJOURNMENT

Board Chair Jeanette Kieffer adjourned the meeting at 11:00 a.m., without objection

DATED this ____ day of December, 2011

David Geriminsky

Executive Director